

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 2-10, 12-17, and 21-32 are pending.

In paragraphs 3 and 4 of the Office Action, claims 2, 3, 6, 7, 14, 21, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Curatolo et al. (U.S. Pub. No. 2005/0136912) in view of Boling et al. (U.S. Pub. No. 2006/0003899). This rejection is respectfully traversed.

The Office Action states in the Response to Arguments section on p. 2:

Applicant argued in the remarks filed 3/7/07 that Curatolo is not available as prior art based on the various continuation-in-part applications that are related, which may not contain pertinent subject matter. However, Curatolo also has a provisional application No. 60/127,028 filed 3/31/99, which is the effective filing of Curatolo making it acceptable prior art.

The provisional application no. 60/127,028 filed 3/31/99 ("Provisional Application") does not disclose the subject matter relied on in the Office Action against the claims, namely "a plurality of input keys (page 3 [0041]), wherein the device is programmed to effectuate a predetermined communications connection when a user to depress two or more keys simultaneously (page 3 [0041])." (Office Action, p. 4). The Provisional Application filing date of March 31, 1999 can only be relied on if the Provisional Application properly supports the subject matter used to make the rejection in compliance with 35 U.S.C. 112, first paragraph. (MPEP § 706.02(f)). Although Curatolo et al. discloses "A manual switch may also comprise at least two buttons to be activated simultaneously to prevent accidental activation," (Curatolo et al., page 3 [0041]), this language is not in the Provisional Application filed March 31, 1999. Neither is this language in either of the other two patents in the priority chain, U.S. Patent No. 6,889,135 or U.S. Patent No. 6,510,380.

Accordingly, even assuming Curatolo et al. and Boling et al. were properly combinable, though they are not, the combination fails to teach or suggest the limitation in Claim 6 of "wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input keys simultaneously," and related limitations of varying scope in claims 7, 14, and 21.

Claims 2, 3, and 30-32 depend from claims 6, 7, 14 or 21 and are therefore allowable for at least the same reasons. Reconsideration and withdrawal of the rejection of all of these claims is respectfully requested.

In paragraph 5 of the Office Action, claims 8, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al. in view of Hess (U.S. Patent No. 5,777,551). Since Hess fails to provide for the deficiencies of Curatolo et al. and Boling et al., these claims are allowable for at least the same reasons as their respective independent claims. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 6 of the Office Action, claims 4, 12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al., in view of Yasuda (U.S. Patent No. 5,901,365). Since Yasuda fails to provide for the deficiencies of Curatolo et al. and Boling et al., claims 4, 12, and 24 are allowable for at least the same reasons as their respective independent claims. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 7 of the Office Action, claims 5, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al., in view of Asari (U.S. Patent No. 6,031,470). Since Asari fails to provide for the deficiencies of Curatolo et al. and Boling et al., claims 5, 13 and 23 are allowable for at least the same reasons as their respective independent claims. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 8 of the Office Action, claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al., in view of Kienberger (U.S. Patent No. 5,467,387). Since Kienberger fails to provide for the deficiencies of Curatolo et al. and Boling et al., claims 10 and 17 are allowable for at least the same reasons as their respective independent claims. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 9 of the Office Action, claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al., in view of Nilsson (U.S. Patent No. 6,332,073). Since Nilsson fails to provide for the deficiencies of Curatolo et al. and Boling et al., claims 9 and 16 are allowable for at least the same reasons as their respective independent claims. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 10 of the Office Action, claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. and Boling et al., in view of Shaanan et al. (U.S. Patent No. 6,332,084). Since Shaanan et al. fails to provide for the deficiencies of Curatolo et al. and Boling et al., claim 22 is allowable for at

least the same reasons its independent claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 11 of the Office Action, claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling et al. in view of Curatolo et al.. This rejection is respectfully traversed.

The Office Action states:

Boling fails to explicitly disclose a display having a graphical user interface coupled to the processor.

However, Curatolo disclose a display having a graphical user interface coupled to the processor (reads signaling unit securely attached or incorporated within embedded into a material assess or personal asset, such as a laptop or notebook computer or PDA or pocket PC, or cellular phone, see page 3 [0040] and page 4 [0051]).

The concept of a signaling unit being "embedded" into a material asset is not supported by one of the priority applications of Curatolo et al. having a date predating the filing date of the present application.

Therefore, the "embedded" concept cannot be relied on in this rejection.

The Office Action states in the Response to Arguments section on p. 2:

Further, Applicant argues that Curatolo does not teach or suggest a GUI coupled to a processor and that PDA's do not inherently have GUIs. Examiner disagrees. In defense, Examiner points to Applicant's own specification on page 4, describes and exemplary embodiment of the present invention (referencing Fig. 1) wherein a handheld computer is depicted, such as a PDA, e.g., "Palm style computers" which have an GUI (see page 4 of Specification, [0015-0017]). Examiner has read a palm styled computer, such as described in the disclosure to be analogous to Curatolo's PDA.

The Reply dated March 7, 2007 stated that a *cellular telephone* does not inherently comprise a display having a GUI coupled to a processor (as evidenced by the single-use phone of Boling et al.), not that "PDA's do not inherently have GUIs."

It is maintained that although Curatolo et al. teaches a signaling unit which may be physically attached to various items, there is no teaching or suggestion that the processor of the signaling unit is coupled to the graphical user interface of the item within which it may be incorporated. The purpose of Curatolo et al. is "tracking" material assets or personal accessories, such as the PDA or cellular telephone (wallet, checkbook,

purse, etc.), (Curatolo et al., [0036], [0051]), not to add functionality to those material assets. Therefore, to modify Boling et al. with the teachings of Curatolo et al. would not result in the claimed subject matter, namely a graphical user interface coupled to a processor. Rather, the proposed combination, if anything, would result in the device of Boling et al. being physically attached to an item to be tracked. Thus, the proposed combination of Boling et al. and Curatolo et al. fails to teach or suggest the limitation of a "graphical user interface coupled to the processor" in Claim 25.

Further, even assuming Curatolo et al. taught a GUI coupled to the signaling unit, one of ordinary skill in the art would not combine Curatolo et al.'s hypothetical GUI/signaling unit with Boling et al.'s single-use phone. Boling et al. teaches the importance of a cellular telephone for "limited-use" [0007], which is "simple and straightforward to operate [0008], by use of a "single activation button . . . in a stressful situation" [0013]. Boling et al. teaches:

[0073] Thus, as indicated by the flow chart of FIGS. 7A-C, all of the steps involved in making an emergency telephone call to an emergency response service are accomplished by a single press of one activation button 20a or 20b on the emergency phone 10. This makes it much simpler for a person who is distracted by a stressful situation, or who may be in some way incapacitated, to place an emergency call.

One of ordinary skill in the art would not combine a graphical user interface with the single-use phone of Boling et al., because it would frustrate the intended purpose of Boling et al. — simplicity in emergency situations.

Accordingly, reconsideration and withdrawal of the rejection of claims 25-29 is respectfully requested.

8. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong

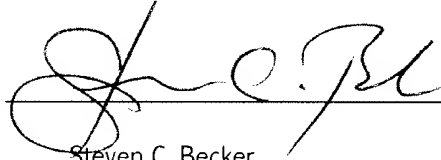
amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 6-28-07

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By

A handwritten signature in black ink, appearing to read "S. C. Becker", written over a horizontal line.

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